

Where can I obtain a copy of a Will?

Many wills are filed in the Probate Division of Surrogate's Court (845-2560). Please visit www.courts.state.ny.us/courts/8jd/Erie/Surrogates for specific questions.

If the will is not filed at Surrogate's Court, please contact your attorney.

What about real property the decedent held?

A copy of the deed will show whether the decedent owned the property individually or in conjunction with another person and whether the title may pass upon death to another person. You may search the real property records at the County Clerk's office in person or online at <http://ecclerk.erie.gov/>. If the decedent owned property, it may be encumbered by a mortgage as well. In that event, it might be necessary to continue payments to preserve ownership rights to the property. Consult an attorney for additional information.



What do I do with the decedent's Driver's License or Passport?

No action is necessary on a driver's license or passport when a person passes away.

If you wish to remove that person's license from the DMV system, you may do so by mailing the decedent's license and a copy of the death certificate to License Production: P.O. Box 2688, Albany, NY 12220.

A passport may be mailed with a copy of the death certificate to **Consular Lost and Stolen Passport (CLASP) unit of Passport Services:** Attention CLASP 1111 19th Street, NW, Suite 500 Washington, DC 20036. It will be removed from the passport database and returned.

What happens to a motor vehicle if the owner has passed away?

The ownership of a vehicle that has a value of \$15,000 or less may be transferred to the surviving spouse. When that happens, the surviving spouse pays a fee of \$50.00 for a new title in his or her name and will receive credit for the time that remains on the vehicle registration. He or she can use the vehicle plates that were issued to the deceased owner.

If there is no surviving spouse, the ownership of one vehicle that has a value of \$15,000 or less may be transferred to surviving children under the age of 21. The legal guardian of one of the children must sign the title certificate indicating the child's relationship to the deceased owner.

To transfer ownership of the vehicle to another person, the spouse or child's guardian must complete form MV349.1 which must be notarized. To transfer the ownership of a snowmobile, a boat, or a trailer, use form MV 349.2.

The spouse or child's guardian also needs to give the new owner a photocopy of the death certificate in order for the new owner to register the vehicle at the Auto Bureau.



How can the Executor of the Estate transfer a vehicle?

If there is no surviving spouse or child under the age of 21, the Executor must sign the title certificate to allow for sale or transfer of the vehicle. To apply for a registration and title certificate, the new owner must provide the following to the Auto Bureau:

- The title certificate transferred by the Executor
- Proof that the individual is the Executor of the Estate. The Auto Bureau office returns these documents to the new owner after the documents are examined.



- A registration form (MV-82) tax form (DTF-802), proof of insurance, bill of sale and new owner's driver's license.

The new owner of a vehicle that was transferred in the settlement of the estate must complete form DTF-803 to apply for a sales tax exemption. If the vehicle was purchased from an estate, use form DTF-802.

When there is no will, no estate, no surviving spouse and no surviving child under the age of 21: The next of kin transfers the ownership and signs the title certificate and must complete form MV-349. (Transfer of Vehicle Registered in Name of Deceased Person). The form must be notarized. The next of kin must also give the new owner a copy of the death certificate (a photocopy is acceptable).

If there is more than one vehicle or there is one vehicle that has a value of more than \$15,000: The vehicle or vehicles become part of the estate. Form MV-349 or MV-349.1 may not be used to transfer the ownership. The Executor of the estate must transfer the ownership. Contact Surrogate Court to apply for Letters Testamentary, Letters of Administration or a Voluntary Administrator's Affidavit.

All DMV forms are available at www.nysdmv.com by searching the name of the form.

What if the decedent possessed a pistol permit or firearm?

The decedent's pistol permit must be brought to the County Clerk's Pistol Permit Office where it will be stamped indicating the holder has passed away. Any firearms must be turned in to the local police department within fifteen days of the holder's demise.

If the survivor wishes to sell the firearm, they must come in to the Clerk's Office with a copy of the death certificate, the decedent's pistol permit and a bill of sale from the executor of the estate.

What happens to the decedent's business?



An "Assumed Name Business" (DBA) Certificate indicates that the decedent was doing business as a sole proprietorship or partnership. It is not necessary for surviving family members to take action

on the decedent's DBA filed at the Clerk's Office. The family does have the option to file an Affidavit indicating that the person who operated the business is deceased.

If either a family member or third party desires to continue the business, an Amended Business Certificate should be filed. The Executor of the Estate will be authorized to sign on behalf of the decedent. Forms are available in the Basement Records Department at the Clerk's Office. We recommend consulting with an attorney before assuming any business interests.

How do I know whether the decedent has a judgment filed?

You may search the judgment records at the County Clerk's Office in person or online at <http://ecclerk.erie.gov/> to determine whether the decedent has a judgment filed against him or her. Generally, money judgments may be enforced for a period of twenty years and a judgment filed in the Erie County Clerk's Office will be a lien for a period of ten years against any real property owned by the decedent. Creditors may file a claim against an estate.

If the decedent has filed judgments against another party, the estate may have the right to execute against the property of the debtor. Judgment Execution Forms can be obtained at the Customer Service Department in the Clerk's Office. Consult with an attorney to determine the rights of the survivors with regard to judgments against or on behalf of the decedent. Survivors may also wish to check the credit cards of the decedent to ensure no debt remains for which the survivors may be held responsible.

Auto Bureau Locations

Buffalo:

Downtown

Rath Building—95 Franklin St.
Enter at 170 Pearl Street
Monday-Friday 8:30am-4:15pm

Cheektowaga: Urbandale Plaza

2122 George Urban Blvd.

(at Dick Road)

Monday	Closed
Tuesday	10am-5:45pm
Wednesday	11am-6:45pm
Thursday	10am-5:45pm
Friday	9am-4:45pm
Saturday	7am-1pm

Satellite Offices (5 days/ week)

North

Eastern Hills Mall

4545 Transit Road, Williamsville

Enter at Cinema (rear of the Mall)

Monday-Friday 10am-5:30pm

Northtown Plaza

3095 Sheridan Drive, Amherst

New Location

Near Eggert Road

Monday-Friday 9am-4:45pm

Passport Office

Monday-Friday 10am-2:20pm

South

E.C.C. South

Building 7, 4041 Southwestern Blvd

Orchard Park **Enter from Big Tree**

Rd. (RT 20A) Near Abbott Road.

Monday-Friday 9am-4:30pm

Town of Evans

Evans Town Hall 8787 Erie Rd. (RT.5)

Mon, Tues, Thurs, Fri 8am-3:45pm

Wednesday 10am-5:45pm

Mobile Sites (one day a week)

Tuesday

10am-3pm

Wednesday

10am-3pm

Thursday

10am-3pm

Elma Town Hall

1600 Bowen Road

Grand Island Town Hall

2255 Baseline Road

Concord Town Hall

86 Franklin Street, Springville

Auto Bureau Customer Service Center
(716) 858-7450

Check  box for Auto Bureau Updates!

What to Do When a Loved One Dies: Answers from the Erie County Clerk's Office



The death of a loved one is a tumultuous time, filled with emotion, decisions and a myriad of questions. What to do with the car or driver's license? What about the house? Did he or she leave a will?

Since the County Clerk's Office handles real estate filings, vehicle registrations, new business filings, pistol permits and legal actions, we deal daily with people in both the Auto Bureau and in the Registrar's Office who are confused and looking for answers.

We know how difficult this time can be, and have compiled a brochure with information we hope can help alleviate some of that stress.

Should you require assistance, the contact information and hours for the Clerk's Office are listed below. Please accept our condolences at this difficult time.

Sincerely,

Kathy Hochul

92 Franklin Street
Buffalo, New York 14202

Phone: 716-858-8865

Fax: 716-858-6550

Email:

ErieCountyClerkOffice@erie.gov

